



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William D. Morgan

Serial No.: 08/828,330

Filed: March 28, 1997

For: INSULATED REMOVABLE POND
COVER

Group Art Unit: 1723

Examiner: Robert J. Canfield

Atty. Dkt. No.: IAEC:007USR1/MTG

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

March 14, 2006

Date

Mark T. Garrett
Mark T. Garrett

**SUPPLEMENTAL REISSUE DECLARATION UNDER 37 C.F.R. § 1.175(b) AND
ORIGINAL DECLARATION OF ADDED INVENTOR**

Applicant seeks to change the inventorship of U.S. Patent No. 5,400,549 pursuant to 35 U.S.C. § 251. Michael Allan Morgan should be an inventor of the '549 patent, though he was left off as an inventor without any deceptive intent on his part. This document includes Michael A. Morgan's statements and signature required under 37 C.F.R. §§ 63 and 175, and the signature of William D. Morgan required to change inventorship and fulfill the requirements of Rule 175(b).

Michael A. Morgan's Statements Under 37 C.F.R. §§ 63 and 175

I, Michael Allan Morgan, declare as follows:

1. I am a citizen of the United States of America. My residence and mailing address (which are the same) appear below under my signature.

2. I believe that I and William Deyo Morgan are the original and first inventors of the subject matter claimed in U.S. Patent No. 5,400,549, issued March 28, 1995, for which a reissue patent is sought.

3. I have reviewed and understand the contents of the specification of the '549 patent, including the original claims and those set forth in the concurrently-filed response to the April 4, 2005 Office Action.

4. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56.

5. I believe that original Patent No. 5,400,549 is wholly or partly inoperative or invalid by reason of it not naming me as an inventor, and because it claims less than we had the right to claim in the patent. I agree with the statements of William D. Morgan on pages 2 and 3 of his March 28, 1997 declaration regarding "REASONS FOR SEEKING REISSUE," "THE ERRORS RELIED UPON AND HOW THEY OCCURRED," and "STATEMENT OF APPLICANT'S INTENT. As an example of one error on which this reissue application is based is that no claims were originally directed to a method of manipulating a cover comprising: linking at least two panels such that the panels are adjacent to each other; disposing the panels over wastewater that includes sewage and/or industrial waste; de-linking the panels; and re-linking the panels. Such a claim is recited as claim 28 in the enclosed response to the April 4, 2005 Office Action.

6. All errors which are being corrected in the present reissue application up to the time of filing of this declaration, including my omission as an inventor when the '549 patent was originally filed, arose without any deceptive intention on my part.

7. I declare that all statements made of my own knowledge are true; that all statements made on information and belief are believed to be true, and further that my statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and

that such willful false statements may jeopardize the validity of the application or any patent issuing on the application.

3/14/06
Date

Michael Morgan
Michael A. Morgan

4424 Ellsworth Dr., Edina, MN 55435
Residence Address

6009 Chapel Drive, Edina, MN 55439
Mailing Address

William D. Morgan's Statement Under 37 C.F.R. § 175(b)

I, William Deyo Morgan, declare as follows:

1. Every error that has been corrected in the original patent since I signed my original declaration on March 28, 1997, including the error of not naming Michael A. Morgan as an inventor when the patent was originally filed, arose without any deceptive intention on my part.
2. My initial declaration identified only my mailing address. My residential address is 6837 82nd Street West, Bloomington, MN 55438.
3. I declare that all statements made of my own knowledge are true; that all statements made on information and belief are believed to be true, and further that my statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing on the application.

14 March 2006
Date

William D. Morgan
William D. Morgan



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37 C.F.R. § 1.132 DECLARATION OF MICHAEL A. MORGAN

I, Michael A. Morgan, declare as follows:

1. I am a founder and principle owner of Industrial & Environmental Concepts (IEC), and have been for 14 years. IEC is the owner of the present patent application. One of my main responsibilities during this period has been the design, from concept to installation, of floating covers systems for water treatment lagoons and tanks. Prior to founding IEC, I was employed with a geomembrane manufacturer. In total, I have 15 years of experience designing and building cover systems for wastewater-filled ponds. I received a BS in Civil & Environmental Engineering from the University of Wisconsin in 1989.

2. I have reviewed and understand U.S. Patent No. 4,197,595 to Dearing, and I have read the April 4, 2005 Office Action in which Dearing is cited. I understand the Patent Office is asserting that Dearing's statements that his cover system can be used on ponds should be understood to include all ponds, including those that contain "dirty water." I understand that the Patent Office is also asserting that it would have been obvious to use Dearing's cover system on a settling pond "to maintain appropriate temperatures to enable bacteria to decompose the material within the pond." The term "dirty water" has been replaced with the term "wastewater" because

"wastewater" is a term of art to those of us in this industry; "dirty water" is more of a layman's term, and I do not believe it is one that people in this industry generally use.

3. I disagree that those experienced with covering or insulating bodies of liquid containing sewage and/or industrial waste would have looked to Dearing to solve their problems. Dearing is concerned with swimming pool covers, and the problems resulting from using a floating cover to utilize "solar energy for heating the pool, to limit evaporation, thus conserving heat otherwise lost in the evaporative process, or through heat radiation, and also conserving chemicals lost with evaporating pool water." (Dearing column 1, lines 43-50.) Dearing explains that when the covers are made of separate floating units, there are problems with wind lifting the edges of the units and whipping them higher, which tends to shift and disarrange them. (Dearing column 1, last paragraph and column 4, last paragraph). He also explains that when a large, single-piece cover with a floating rim is used, water tends to overlap the rim and get captured on top of the cover, causing it to sink. (Dearing column 1, last paragraph).

4. Dearing deals with these problems by providing the edges of his cover units with "abutment elements" that are continuous or spaced apart. The abutment elements are designed to keep the edges partially under-water, to prevent wind uplift, and keep the adjacent edges from overlapping each other, which can lead to wind uplift.

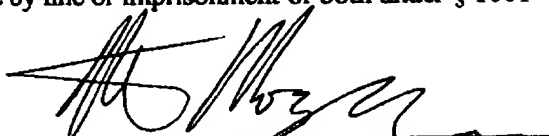
5. Dearing says nothing about insulation or any kind of wastewater. Insulation is actually inconsistent with the transfer of solar energy to pool water in order to heat it, which Dearing endorses, and which his cover systems could achieve given the thin sheets he advocates using. (Dearing discusses sheet thicknesses in column 4). Furthermore, in my experience, those of us who deal with problems relating to covering and/or insulating bodies of liquid that contain sewage

and/or industrial waste do not look to cover systems designed for use on swimming pools (which do not contain potable water) for any solutions. That is simply a reality of our industry.

6. Swimming pools are not "clean water" systems, as that term is understood by those of us who work in this field. Clean water systems concern potable water (e.g., water you can drink), and swimming pool water is not water you can drink. I have read and do not agree with the statements in Claude G. Degarie's April 2000 declaration that those of us skilled in this industry never look to clean water systems when dealing with dirty water systems (which I am equating to wastewater for the purpose of attempting to understand Mr. Degarie's declaration). The reasons why someone in this business who is dealing with a wastewater system would not look to Dearing are set forth above.

7. All statements made of my own knowledge are true and all statements made on information are believed to be true, and statements in this document were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code.

3/14/06
Date


Michael A. Morgan